

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Hartford Life and Accident Insurance Company,)	
)	C/A No. 1:10-1955-MBS
)	
Plaintiff and)	
Stakeholder in Interpleader,)	
)	
vs.)	ORDER
)	
Wilson Smith, Jr.; Lauren Smith; Larson Smith; Wilson Smith, III; Arthur W. Rich,)	
as Special Administrator of the Estate of)	
Ann Fox Smith,)	
)	
Defendants and)	
Claimants in Interpleader.)	
)	

This is an interpleader action brought by Plaintiff Hartford Life and Accident Insurance Company to determine the proper distribution of proceeds of a life insurance policy issued for the benefit of Decedent Ann Fox Smith. Defendant Wilson Smith, III has appeared pro se. Therefore, in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. Plaintiff has deposited interpleader funds into the court pursuant to orders filed July 28, 2010 and October 18, 2010.

This matter is before the court on consent motion to dismiss Plaintiff, which motion was filed on November 16, 2010. On April 5, 2011, the Magistrate Judge filed a Report and Recommendation in which she recommended that Plaintiff be dismissed from the case and discharged from liability with regard to the payment of the funds previously deposited into the court. The Magistrate Judge further recommended that Defendants be enjoined from filing suit against Plaintiff or otherwise seeking recovery against Plaintiff in connection with the distribution the proceeds under the policy. In addition, the Magistrate Judge recommended that Plaintiff be awarded attorneys' fees in the


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amount of \$2,000. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff is dismissed from this case and discharged from liability with regard to the payment of funds previously paid into court. Defendants are enjoined from filing suit against Plaintiff or otherwise seeking recovery against Plaintiff in connection with, related to, or arising from the distribution of proceeds under the policy resulting from the death of Decedent. Plaintiff is awarded attorneys’ fees in the amount of \$2,000.00 to be paid from the fund pursuant to the parties’ agreement. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.


Margaret B. Seymour
United States District Judge

Columbia, South Carolina